

THE LEGAL POLITICS OF HUBERT H. HARRISON: EXCAVATING A LOST LEGACY

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“Politically, the Negro is the touchstone of the modern democratic idea.”
—Hubert Harrison, 1911

INTRODUCTION

The history of African American struggle and advocacy is often divided between those who placed more emphasis on Black nationalism and Black pride such as Marcus Garvey and Malcolm X, and those advocates of racial justice, such as A. Philip Randolph and Dr. Martin Luther King Jr., who sought the integration of African Americans into the mainstream through the advocacy of civil rights and alliances with the labor movement. Critical race theorists (CRT) have cogently argued the need for anti-racist struggles in the post-civil rights era to address the fact that integration has hardly resolved the continued marginalization and discrimination of African Americans in housing, employment, and many other dimensions and to reflect on how law facilitates racial subordination in the post-civil rights era.¹ However, this essay suggests that these arguments can be better understood and enriched by a deep appreciation of the breathtaking legacy of Hubert Henry Harrison (1883-1927) and a close reading of his works. As a working class activist and intellectual in both the Socialist Party and the Industrial Workers of the World (IWW), Harrison was later a major influence in Marcus Garvey’s nationalist movement and the New Negro Movement,

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¹ See CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT (Kimberlé Crenshaw et al. eds., 1995) [hereinafter CRITICAL RACE THEORY].

editor of *The Voice* and *The Negro World*, and the founder of the Liberty League. Largely lost to history, Harrison's astonishing body of work on racism and the political issues of his time force us to rethink a period of African American history that typically has been regarded as a low point in the struggle against racism and white supremacy.² Yet in fact, Harrison found answers to the questions that would haunt advocates of racial equality for years to come. Both the Black socialist tradition and the Black nationalist tradition owe an enormous debt to Harrison which has not been properly understood to date. As his biographer, Jeffrey Perry, has aptly noted, Harrison was the most class conscious of the race radicals and the most race conscious of the class radicals of his day.³ Yet the fact that he died at such a young age combined with his tendency to unflinchingly challenge authority has contributed to historical amnesia about Harrison and his legacy. His acerbic wit and rich communicative gifts can only be understood by reading his extensive work of political commentary, book reviews and theater reviews; I can only scratch the surface in the limited space available. Yet it is apparent that Harrison's contributions were of the highest intellectual caliber. In this short contribution, this Essay provides a brief overview of Harrison's life in Part I. In Part II, the Essay suggests how Harrison can be reasonably regarded as the first critical race theorist. Part III offers some brief conclusions.

I. THE LIFE OF HUBERT H. HARRISON

In the 1980's, Jeffrey Perry, now a retired postal worker who has never been a career academic, wrote his doctoral dissertation about Hubert Harrison at Columbia University. He then released an anthology of Harrison's writings and a biography of Harrison based on both archival materials and the discovery of Harrison's

² Some of Harrison's writings may be found in the indispensable *A HUBERT HARRISON READER* (Jeffrey B. Perry ed., 2001) [hereinafter *A HUBERT HARRISON READER*]. A recent Lexis search found only a single hit referencing Harrison in American law journals. See John Hayakawa Torok, *Freedom Now!—Race Consciousness and the Work of De-Colonization Today*, 48 *HOW. L.J.* 351 (Fall 2004).

³ JEFFREY B. PERRY, *HUBERT HARRISON: THE VOICE OF HARLEM RADICALISM, 1883-1918*, at 17 (2009). Perry is currently writing volume two of Harrison's biography which documents the final decade of Harrison's life. See Jeffrey B. Perry, *An Introduction to Hubert Harrison, "The Father of Harlem Radicalism,"* 2 *SOULS* 38 (Winter 2000). A useful book review is Ken Olende, *Black Star Rising*, 123 *INT'L SOCIALISM*, June 25, 2009, available at <http://www.isj.org.uk/index.php4?id=571&issue=123>.

voluminous diaries and some forty annotated scrapbooks.⁴ Until then, Harrison's remarkable, if short, life largely had been lost to history.

A. Harrison's Early Life

Born April 27, 1883 on the island of St. Croix in what was then the Danish West Indies (now the U.S. Virgin Islands), Harrison was among many West Indians who would later immigrate to the United States and play a major role in the political struggles of the day.⁵ Arriving in the United States in 1900, Harrison, like other West Indian intellectuals who had chosen to emigrate in search of a better life, was struck by the extreme nature of the widespread Jim Crow segregation and lynchings, which terrorized African Americans and plagued American society like a cancer. Even in New York City, where Harrison settled, African Americans were forced to live in expensive but sub-standard housing in Harlem and employment opportunities for African American men were greatly restricted because of color bars and racist practices by management and unions alike.⁶ Although St. Croix was certainly a society divided by class and race, the absence of a formal system of Jim Crow segregation enabled a modicum of upward mobility for some Afro-Caribbeans that allowed Harrison to foster his intellectual skills and apparently obtain work as an underteacher.⁷ Harrison commented

⁴ Jeffrey B. Perry, *Acknowledgements*, in A HUBERT HARRISON READER, *supra* note 2, at xvii–xviii; PERRY, *supra* note 3, at 58. One exception is WINSTON JAMES, *HOLDING ALOFT THE BANNER OF ETHIOPIA: CARIBBEAN RADICALISM IN EARLY TWENTIETH CENTURY AMERICA* (1998) (discussing Harrison's legacy).

⁵ PERRY, *supra* note 3, at 21–52. The list of radical West Indians who influenced the American left includes the Jamaican-born Marcus Garvey, Wilfred A. Domingo and Claude McKay, Nevis-born Cyril Briggs, and of course perhaps most famously, the Trinidadian C.L.R. James (1901–1989), who lived in the United States for fifteen years between 1938 and 1953 until his notorious deportation at the height of the McCarthy period. For excellent overviews of James' life, see PAUL BUHLE, *C.L.R. JAMES: THE ARTIST AS REVOLUTIONARY* (1988); KENT WORCESTER, *C.L.R. JAMES: A POLITICAL BIOGRAPHY* (1995); ALDON L. NIELSEN, *C.L.R. JAMES: A CRITICAL INTRODUCTION* (1997). The extent of the erasure of Harrison's legacy can be illustrated by the fact that there is no evidence that James, one of the world's leading revolutionary socialists and Pan-Africanist advocate and like Harrison an autodidact, had ever read Harrison.

⁶ PERRY, *supra* note 3, at 54.

⁷ Jeffrey B. Perry, *Introduction*, in A HUBERT HARRISON READER, *supra* note 2, at 3.

on the differences between Danish colonialism and the subsequent American occupation of the Virgin Islands as follows:

During the Danish days there were “superior” and “inferior” people on the islands; but in no instance were they made so by the color of their skin. This doctrine of chromatic inferiors and superiors has been violently thrust upon the islanders by the personnel of the naval administration If the lines of social and economic cleavage had at any time followed those of chromatics . . . I knew of no such thing.⁸

Harrison would soon find himself caught up in the political controversies of the day. Despite never going to college and constantly living a precarious economic existence, he was an avid reader and deeply interested in literature, philosophy and culture as well as politics.⁹ As early as 1903, he began writing correspondence to the *New York Times* and had some twelve letters published in the newspaper by 1910.¹⁰ In one of his earliest letters, Harrison condemned the lynching of an African American Delaware laborer, George White of Wilmington, who was accused of assaulting and raping a white teenage girl, and expressed outrage over a letter to the editor defending the practice as justified because of the time consuming nature of the judicial machinery. He also took the opportunity to stress that biologists and ethnologists agreed that “Negroes” were just as human as Caucasian Americans, countering racist descriptions of African Americans as beasts and brutes.¹¹

Future letters would take up a variety of topics such as the need to challenge white supremacy, the conflict between Russia and Japan, and racial stereotyping.¹² Responding to comments by the explicitly racist Mississippi Governor James K. Vardaman about the moral deterioration of the “Negro” race and the increased criminality of those African Americans who had become literate, Harrison asserted that in fact the tens of millions of dollars in

⁸ PERRY, *supra* note 3, at 33.

⁹ *Id.* at 57.

¹⁰ *Id.* at 63.

¹¹ *Id.* at 63–64. Harrison made a point of using Negro with a capital “N” to reflect his commitment to racial pride at a time when this was uncommon even among leftists. Perry notes the *New York Times* did not capitalize Negro until after Harrison’s death in 1930. See *A Note on Usage*, in *id.*, at xxi. The author of this Essay follows Harrison’s usage when writing historically.

¹² *Id.* at 63–69.

property holdings by African Americans was a source of pride and he referred to the many professionals of African ancestry including physicians, lawyers, inventors, artists, mathematicians, and sociologists.¹³ Through such letters, and later through participation in the lyceums of St. Benedict the Moor and St. Mark's Churches on West 53rd Street, Harrison honed his debating skills in a way that enabled him to become an important author, activist, and orator.¹⁴ Harrison also gained valuable editorial experience by serving as editor of the St. Mark lyceum newspaper, the St. Mark's Mirror, in 1906 despite his tendency toward atheist beliefs.¹⁵

B. Postal Worker Militant

In 1907, Harrison entered one of the few relatively well-paying careers available for working class African Americans when he obtained employment as a postal worker, earning an initial annual salary of \$600, which was increased through successive raises to \$1,000 per year by 1910. At the time, only roughly 175 African Americans were employed as postal workers in all of New York City.¹⁶ Labor conditions were draconian and led to a very high turnover rate among employees: twelve hour work days for up to six or even seven days per week in poorly ventilated offices and oppressive managers at a time when the sting of racial oppression was ever present.¹⁷ He established a study circle among his fellow postal workers which met at his Harlem apartment and discussed various matters related to African American history, including the history of Reconstruction.¹⁸ In 1908, Harrison would give a talk at the Young Men's Christian Association, or Y, on Reconstruction that was praised in the Black press.¹⁹ He also began a pioneering Black history class on a volunteer basis that same year at the White Rose Home for Colored Working Girls, an organization that sought

¹³ Perry, *supra* note 3, at 67–68.

¹⁴ *Id.* at 70.

¹⁵ *Id.* at 73, 186.

¹⁶ *Id.* at 83, 86.

¹⁷ *Id.* at 83. Harrison also notes the poor treatment of Jewish and socialist postal clerks. *See id.* at 86.

¹⁸ Perry, *supra* note 3, at 84. It is noteworthy that despite his vast output, C.L.R. James never devoted sustained attention to analyzing the Reconstruction period. *See* Scott McLemee, *Introduction: The Enigma of Arrival, in* C.L.R. JAMES ON THE 'NEGRO QUESTION,' at xi, xxxi–xxxii (Scott McLemee ed., 1996).

¹⁹ PERRY, *supra* note 3, at 97–99.

to assist Black women who had arrived in New York from the West Indies or the South with housing, education, and child care.²⁰

One important turning point in Harrison's life was the events that led to both his loss of his employment as a postal worker in 1911 and his subsequent political radicalization. In 1910, Booker T. Washington, clearly one of the most prominent African American leaders of the day and the man who controlled the powerful Tuskegee Machine, downplayed racism in the Southern states in remarks he made to the Anti-Slavery and Aborigines Protective Society in London, England and which were quoted in various British newspapers.²¹ Washington went so far as to claim that Southern Blacks had better opportunities than their counterparts almost anywhere else in the world.²² This drew an angry response from W. E. B. Du Bois and others and they issued a rebuttal that was published in the *New York Sun*.²³ The paper then wrote an editorial claiming that the critics of Washington ought to be more patient, suggesting that they were simply envious of his success.²⁴ Harrison then wrote a rebuttal to the *Sun* editorial and criticized Washington by documenting the passage of recent legislation mandating residential racial segregation in Baltimore, the disenfranchisement of African Americans in Oklahoma, and the commitment of the Texas government to have its Congressional delegation seek the repeal of the Fourteenth and Fifteenth Amendments to the Constitution.²⁵ He also showed the limitations of Washington's blinkered political vision of emphasizing industrial training by noting how blatantly racist white unions, such as Georgia railway workers in 1909, had opposed seniority rights for African American workers.²⁶ In a second letter responding to rebuttals by Washington supporters, Harrison observed that they had failed to deny that the array of racist acts which Harrison had painstakingly documented was real.²⁷

Harrison escalated the controversy by writing further pieces criticizing Washington and also condemning the racism of the mainstream media. Harrison even chose the taunting moniker, E.T.

²⁰ *Id.* at 95–97.

²¹ *Id.* at 126.

²² *Id.*

²³ *Id.* at 126–27.

²⁴ *Id.* at 127.

²⁵ PERRY, *supra* note 3, at 128.

²⁶ *Id.* at 129. This was tragically no isolated example in this period.

²⁷ *Id.* at 130.

Washington, to write another piece criticizing racist residential practices and the role that Black real estate dealers played in exploiting their vulnerable Black customers.²⁸ At this point, Washington's influential allies decided that Harrison had to be halted and arranged first for the revocation of Harrison's recent salary increase and then ultimately the dismissal of his employment on trumped up charges of workplace infractions.²⁹

C. Socialist Party Militant

Increasingly politically radicalized, Harrison became a full time organizer for the Socialist Party by late 1911, thereby rejecting a Republican Party that was appeasing racism at every turn.³⁰ In a rather sad chapter of American radical history, most of the internally-divided Socialist Party was not receptive to the notion of paying special attention to fighting racism and white supremacy, even though the division of the working class by race was a major barrier to the multiracial working class solidarity that was essential to actually win strikes.³¹ The more conservative wing of the Socialist Party, led by Victor Berger and Morris Hillquit, supported working inside the unions organized by the American Federation of Labor (AFL) and transforming society through winning elections rather than radical strike action and revolutionary struggle.³² However, the AFL unions tended to be both organized on rather elite craft lines and virulently racist, blatantly advocating a "White First" policy and regarding both African Americans and immigrants as threats to their white, working class constituency.³³ Not only did the AFL and the Socialist Party neglect the oppression of African Americans but also many Socialist Party leaders, including Ernest Untermann, J. Stitt Wilson and Robert Hunter, opposed immigration by Asian

²⁸ *Id.* at 131–32.

²⁹ *Id.* at 132.

³⁰ *Id.* at 146. There appears to be no historical record concerning Harrison's views on the more orthodox Socialist Labor Party (SLP) led by the Curaçao-born Daniel De Leon and which published the widely read newspaper, *The People*. For a brief account of the SLP, see FRANK GIRARD & BEN PERRY, *THE SOCIALIST LABOR PARTY, 1876-1991: A SHORT HISTORY* (1991). The SLP ceased to have a major impact in American political life after the First World War and degenerated into a tiny sect.

³¹ PERRY, *supra* note 3, at 173-74.

³² *Id.* at 174.

³³ For an important analysis of the racism of unions as well as mainstream labor historians, see Herbert Hill, *The Problem of Race in American Labor History*, 24 REV. AM. HIST. 189 (1996).

workers.³⁴ These leaders notoriously maintained that race consciousness had “biological origins” which would “outlast the abolition of capitalism” and which could not be unlearned entirely.³⁵ Some Socialist Party members even openly advocated in the party press for segregated Party locals and lamented the brief empowerment of African Americans during the days of Radical Reconstruction.³⁶

Nevertheless, for a time, Harrison was a loyal Socialist Party organizer and founded the Colored Socialist Club specifically to facilitate organizing work amongst African American workers, a pioneering effort that has been lost to historic memory.³⁷ In one of his earliest writings for the socialist press, Harrison lucidly articulates how the economic fact of slavery required advocates of the status quo to dehumanize the slaves in order to hide the very obvious human qualities, such as “fidelity, courage and intelligence,” which those who worked with slaves saw daily.³⁸ In making this observation, he anticipates by decades the seminal work of scholars of whiteness, such as David Roediger, who analyzed how the creation of a white identity was essential for the divisions in the working class necessary to allow the capitalist system to establish itself and expand.³⁹

In another remarkable contribution for the socialist press, Harrison penned a rebuttal to Rudyard Kipling’s notorious 1899 poem, “The White Man’s Burden,”⁴⁰ which defended British imperialism as a paternalistic good that helped backward people of color throughout the world. In Harrison’s response, which was entitled “The Black Man’s Burden” and appeared in serialized form in the *International Socialist Review* in 1912, he openly challenged

³⁴ PERRY, *supra* note 3, at 186–87.

³⁵ *Id.* See ROBERT HUNTER, *SOCIALISTS AT WORK* (1908) for an overview of Hunter’s conception of socialism.

³⁶ PERRY, *supra* note 3, at 214.

³⁷ A HUBERT HARRISON READER, *supra* note 2, at 52. It should be noted that like C.L.R. James, who constantly had to be wary of the immigration authorities because of his illegal status, Harrison often wrote using pseudonyms which complicates identifying his scholarship. Harrison only acquired citizenship in 1922. PERRY, *supra* note 3, at 411 n.2.

³⁸ Hubert H. Harrison, *The Negro and Socialism: I-The Negro Problem Stated*, in A HUBERT HARRISON READER, *supra* note 2, at 54.

³⁹ See DAVID ROEDIGER, *THE WAGES OF WHITENESS: RACE AND THE MAKING OF THE AMERICAN WORKING CLASS* (1991).

⁴⁰ Rudyard Kipling, *The White Man’s Burden*, in *KIPLING POEMS* at 96–99 (Peter Washington ed., 2007).

the fraudulent voting practices of the Southern states that disenfranchised millions of African Americans and documented how this was a retreat from the Radical Reconstruction period.⁴¹ Harrison was one of the most vocal opponents of oppressive conditions of African Americans in his day. Using humor and sarcasm effectively, Harrison dissected the ridiculous Jim Crow laws that shamefully disenfranchised African American men.⁴² Harrison also documented how numerous unions, ranging from representatives of firefighters to pavers to chauffeurs, fought tenaciously against the inclusion of African American labor to the point of occasionally going on strike against racial equality in the workplace and yet condemned African Americans when they crossed the picket lines of racist unions.⁴³ He went on to detail how Southern Blacks were systematically denied equality of funding in education, noting that some counties in Georgia spent as little as thirty-nine cents per year on the education of a “Negro” child, far less than what was spent on white children or their far better remunerated teachers.⁴⁴ Finally, Harrison highlighted the crisis of lynching that remained an enormous social crisis in this grim period of American history. To the modern reader, the number of extrajudicial killings is truly staggering. Harrison documented nearly 2,900 between 1884 and 1904, mostly in the South. He also drew attention to the voyeuristic aspects of lynching such as the extraction of body parts as souvenirs.⁴⁵ Taken as a whole, the piece is a poignant rebuttal to Kipling’s poem and a lost piece of African American history.

D. Toward a “Race First” Paradigm

Disillusioned by 1914 with the Socialist Party’s inability to challenge racism and increasingly subjected to bureaucratic internal charges and apathy on the part of the Socialist Party’s leadership

⁴¹ Hubert H. Harrison, *The Black Man’s Burden [I]*, in A HUBERT HARRISON READER, *supra* note 2, at 64.

⁴² Harrison cited one proposal to amend the Georgia state constitution which would only permit an African American man to vote if two chaste white women would swear they would trust him in the dark. The simultaneously racist and sexist implications are revealing. *See id.* at 65.

⁴³ *Id.* at 66.

⁴⁴ Hubert H. Harrison, *The Black Man’s Burden [II]*, in *id.*, at 67–69. Harrison pulled no punches in noting how Booker T. Washington sent his own children to the best schools and to schools in Europe.

⁴⁵ *Id.* at 70–71.

toward the Colored Socialist Club,⁴⁶ Harrison turned to the more radical Industrial Workers of the World (IWW), when he addressed silk workers in Paterson, New Jersey at their historic strike in 1913.⁴⁷ Harrison also decided to focus on organizing within the African American community, reaching the conclusion by 1916 that a “race first” approach was essential given the intense racism experienced by African Americans.⁴⁸ He made a living from lecturing on street corners, devoting considerable time to anti-religious free thought politics, women’s suffrage and birth control as well as racial pride and race consciousness.⁴⁹ The novelist Henry Miller raved about encountering Harrison in his youth, whom he described as his idol:

There was no one in those days . . . who could hold a candle to Hubert Harrison. With a few well-directed words he had the ability to demolish any opponent. He did it neatly and smoothly too, “with kid gloves,” so to speak. I described the wonderful way he smiled, his easy assurance, the great sculptured head which he carried on his shoulders like a lion⁵⁰

In 1917, Harrison founded both the Liberty League, a black nationalist membership organization, and *The Voice*, the first newspaper of the “New Negro Movement.”⁵¹ The demands of the Liberty League were extraordinary. In light of America’s entry into the World War, the League sought self-determination for colonized Africans, thereby creatively subverting Wilsonian wartime propaganda about democracy by illustrating the oppression of African Americans at home and people of color throughout the colonized world.⁵² On numerous occasions, Harrison drew attention to the anti-colonial Swadeshi movement in India and the Sinn Fein in Ireland as examples that Black nationalists could learn

⁴⁶ PERRY, *supra* note 3, at 176, 204–06. The Socialist Party would not resume an interest in organizing in the Black community until 1917, when, as Perry notes, Harrison had launched major efforts to radicalize the African American community.

⁴⁷ *Id.* at 204. One fascinating facet of Perry’s immense archival work is his retrieval of photographs of Harrison. There is a particularly striking photo reproduced by Perry of Harrison with radical activists Elizabeth Gurley Flynn and Big Bill Haywood. *See id.*

⁴⁸ *Id.* at 8

⁴⁹ *Id.* at 222.

⁵⁰ *Id.* at 224–25.

⁵¹ PERRY, *supra* note 3, at 8.

⁵² *Id.* at 286–87.

from and embrace.⁵³ The Liberty League also demanded racial equality at home through the enforcement of the Thirteenth, Fourteenth, and Fifteenth amendments to the U.S. Constitution.⁵⁴ Unlike the more conservative NAACP, the League demanded the enactment of anti-lynching legislation and encouraged African Americans to engage in armed self-defense in the face of lynchings.⁵⁵ Another catalyst for action by Harrison were the tragic East St. Louis race riots of 1917, where dozens of African Americans were killed and hundreds of buildings were destroyed. He made quick political judgments by specifically calling for fund raising to purchase rifles that would allow Blacks to safeguard their lives in the face of lynching and mob violence and for Blacks to withdraw their savings from banks in St. Louis to impose a financial penalty on the racist community.⁵⁶ For these acts of courage alone, the Liberty League and Harrison deserve far more attention and debate than scholars have accorded them to date.

Harrison simultaneously launched a weekly newspaper, *The Voice*, whose first issue sold out its entire print run of three thousand early and reached both broad segments of the Black community in New York, as well as a multiracial audience.⁵⁷ In launching this finely-edited, race conscious paper, Harrison led the way for the emergence of several “New Negro” newspapers which have left a lasting legacy in African American cultural life. These papers include *The Messenger*, produced by A. Philip Randolph and Chandler Owen, *The Negro World* by Marcus Garvey, the *Emancipator*, produced by Socialist Party members Thomas A.E. Potter, W.A. Domingo and Frank R. Crosswaith, and *The Crusader*,

⁵³ See, e.g., Hubert H. Harrison, *The New Policies for the New Negro*, in A HUBERT HARRISON READER, *supra* note 2, 139–40. Harrison also would write about the British exploitation of India. See Sayid Muhammed Berghash (pseudonym of Hubert H. Harrison), *Britain in India*, *in id.*, at 213–15. For a discussion of the Indian Swadeshi movement, see Anupam Chander, *Diaspora Bonds*, 76 N.Y.U. L. REV. 1005, 1093 (2001). For a discussion of Sinn Fein during the time of the Easter Rising of 1916, see Kieran McEvoy, *Prisoners, The Agreement, and the Political Character of the Northern Ireland Conflict*, 22 FORDHAM INT’L L.J. 1539, 1543–44 (1999) (noting the imprisonment of thousands of people in England, Ireland, and Wales in the aftermath of the Easter Rising).

⁵⁴ PERRY, *supra* note 3, at 287.

⁵⁵ *Id.* at 291.

⁵⁶ *Id.* at 298–99. Shamefully, American Federation of Labor President Samuel Gompers primarily blamed the riots on the excessive number of “Negroes” that had moved to East St. Louis.

⁵⁷ *Id.* at 301.

produced by future Communist Party member Cyril Briggs.⁵⁸ Perhaps reflecting the tremendous political isolation that Black nationalist leftists like Harrison experienced during the First World War as well as the insensitivity of white leftists, *The Voice* was attacked as superfluous by a prominent member of the Socialist Party and co-founder of the NAACP, Mary Ovington.⁵⁹ At the same time, the overt radicalism of *The Voice* had attracted the ominous attention of the War Department's Military Intelligence Branch.⁶⁰

Although the paper would be forced to suspend publication after a few months for nearly a year due to financial difficulties and Harrison's unwillingness to accept degrading advertisements for skin lightening products, its impact in articulating race consciousness should not be underestimated.⁶¹ Perry estimates that, given the widespread hand-to-hand distribution of newspapers in the African American community, its readership may have been as high as 55,000.⁶² Politically independent of all parties, he challenged the common preference at the time in the Black community for Republican candidates and devoted space to Socialist Party and Democratic Party candidates.⁶³ In a poignant editorial, "Houston vs. Waco," Harrison denounced a riot in Houston, where African American soldiers stationed there who had defied Jim Crow regulations with respect to segregated theaters, water barrels, and streetcars, were physically attacked and beaten by white police officers sent to enforce the racist regulations.⁶⁴ Several whites, including some five police officers, were killed in the melee, which sparked outrage in the white community and ultimately led to the execution of nineteen African American soldiers.⁶⁵ Harrison deftly situated the racist violence in the broader context of systemic racism that haunted Texas, drawing attention to a gruesome act of racist violence in Waco, Texas that took place the previous year. In that case, thousands of white people, including elected officials, women and children, had assembled to watch as an African American

⁵⁸ *Id.* at 300; see also A HUBERT HARRISON READER, *supra* note 2, at 107.

⁵⁹ A HUBERT HARRISON READER, *supra* note 2, at 301–02. Ovington was also the chair of the New York branch of the NAACP at the time.

⁶⁰ *Id.* at 302.

⁶¹ *Id.* at 305–06.

⁶² *Id.* at 304.

⁶³ *Id.* at 324.

⁶⁴ *Id.* at 322.

⁶⁵ A HUBERT HARRISON READER, *supra* note 2, at 322.

teenager with intellectual disabilities, Jesse Washington, had his eyes gouged out and was mutilated before being burned to death.⁶⁶

The relationship between Hubert Harrison and the Jamaican-born Marcus Garvey also merits exploration and helps understand the contours of Harrison's signal contributions to the New Negro Movement. Although Garvey's Universal Negro Improvement Association (UNIA) has garnered far more scholarly attention, Jeffrey Perry's prodigious work demonstrates that Garvey in fact joined Harrison's Liberty League and accepted speaking platforms and introductions, as well as food and shelter, from Harrison and his allies.⁶⁷ At the beginning, there was a great deal of overlap between the activists of the two organizations. Key activists in what evolved into the Garvey movement who originally came from Harrison's Liberty League included such notables as W.A. Domingo, John E. Bruce, and poet Andy Razaf, all of whom became significant contributors for Garvey's *Negro World*.⁶⁸ According to Harrison's diary, Harrison and Garvey met in December 1919 and Garvey offered Harrison a position as editor of the *Negro World* as well as head of a college that Garvey was planning to construct.⁶⁹ In his diary, Harrison paints a picture of extreme disorganization and laziness amongst Garvey's associates and indicates how much Harrison contributed to transforming *The Negro World* into a professional newspaper with a sharply increased circulation.⁷⁰

Subsequent diary entries, however, are absolutely stinging in conveying Harrison's frustrations with Garvey's pretentiousness and undemocratic style of management. He describes Garvey as "spiritually and intellectually a little man."⁷¹ Harrison notes how

⁶⁶ *Id.* at 323. Violence against African Americans with disabilities was no isolated occurrence. Another editorial in *The Voice* described a police attack on a man with epilepsy. See *id.* at 309–10. While this work no doubt was done without a modern understanding of the oppression of people with disabilities, the reporting of attacks on African Americans with disabilities, who were clearly doubly stigmatized and particularly vulnerable to attacks by police and others, is remarkable. For an overview of disability theory that stresses how structural and attitudinal barriers are the primary problem facing people with disabilities, see MICHAEL OLIVER, *THE POLITICS OF DISABLEMENT* (1990).

⁶⁷ PERRY, *supra* note 3, at 294.

⁶⁸ *Id.* at 337–38.

⁶⁹ Hubert H. Harrison, *Connections with the Garvey Movement*, in A HUBERT HARRISON READER, *supra* note 2, at 182–84.

⁷⁰ *Id.* at 183–86. Perry suggests that under Harrison's editorship in 1920, circulation increased from ten thousand to fifty thousand.

⁷¹ Hubert H. Harrison, *On Garvey's Character and Abilities*, in *id.*, at 188, 190.

Garvey learned from him and benefitted from the contacts and audiences that Harrison provided, but how Garvey would never reciprocate once his career as a Black nationalist leader exploded into stardom.⁷² He goes so far as to accuse Garvey of lying and wasting tens of thousands of dollars on unnecessary shipping expenses.⁷³

After the first UNIA International Convention, which ran for four weeks in August 1920, Harrison's diary recorded further sharp criticisms of Garvey, which provide a damning critique by a contemporary who participated in the events. Harrison was clearly appalled at Garvey's theatrical and flamboyant exaggerations, including his clear attempts to manipulate voting of elected positions, as well as his general incompetence. Whereas Garvey claimed that there were some 25,000 participants, Harrison noted that the official balloting for positions indicated a count of only 103.⁷⁴ After Garvey's conviction in 1923 for mail fraud in relation to his schemes to establish a fleet of largely non-existent or misrepresented vessels and sell passage on them to African Americans, Harrison wrote a piece for the Associated Negro Press in which he bluntly asserted that Garvey had obtained a fair trial.⁷⁵ True to his "Race First" convictions, Harrison did not hesitate to point out that all the other co-defendants, who had retained African American attorneys, were acquitted while Garvey, who replaced his African American attorney for two white ones, was convicted.⁷⁶ Clearly, rather than basing political commentary on personal rivalries, Harrison appeared outraged that Garvey was swindling members of his own race, and he also noted Garvey's anti-Semitic outbursts upon his criminal conviction.⁷⁷

Harrison spent the rest of his life in the United States, ultimately obtaining American citizenship on September 26, 1922, and he truly identified as an American.⁷⁸ Tragically, Harrison died

⁷² *Id.* at 189–90.

⁷³ *Id.* at 190. Garvey had originally wanted to send Harrison on an expedition to Liberia.

⁷⁴ Hubert H. Harrison, *The UNIA Convention*, in *id.*, at 191.

⁷⁵ Hubert H. Harrison, *Marcus Garvey at the Bar of United States Justice*, in A HUBERT HARRISON READER, *supra* note 2, at 194–96.

⁷⁶ *Id.*

⁷⁷ *Id.* at 197–98.

⁷⁸ Hubert H. Harrison, *A St. Croix Creole*, in *id.*, at 240. Harrison can be contrasted with C.L.R. James, who ultimately was deported and only returned to visit the United States sporadically decades later and yet bears many striking similarities to Harrison. See generally BUHLE, *supra* note 5.

of appendicitis at the age of 44 in 1927, which makes it impossible for us to know how he would have analyzed the near collapse of capitalism during the Great Depression and the rising fervent against institutionalized racism during the Second World War.⁷⁹

II. HARRISON'S ANTICIPATION OF CRITICAL RACE THEORY

In this section, this Essay considers how Harrison anticipated some of the tenets of Critical Race Theory in his short but remarkable life. In what ways did Harrison's vast contributions find compelling answers to questions that would haunt advocates of racial equality? First, by articulating a movement that placed race at its center, condemned white supremacy, and yet was highly sensitive to class politics, Harrison provided compelling answers to questions that would divide advocates of racial justice for years to come. He was critical not simply of the neo-conservative nostrums of Booker T. Washington but also of W. E. B. Du Bois's leadership when he felt it appropriate. He retained skepticism of the notion of an elite "talented tenth"⁸⁰ who would provide leadership to African Americans. He took particular exception to Du Bois' 1918 editorial, "Close Ranks," which urged African Americans to ignore their special grievances and close ranks in light of American entry into the First World War, which Du Bois viewed as a fight for democracy.⁸¹ In doing so, he challenged Du Bois' leadership among more militant African Americans for ignoring the continued lynching and disenfranchisement of African Americans during wartime. More damning, however, was Harrison's conclusion that Du Bois had agreed to praise the American war effort in exchange for a captaincy in military intelligence.⁸² In his characteristic biting turn of phrase, Harrison remarked:

⁷⁹ A HUBERT HARRISON READER, *supra* note 2, at 399. It is also revealing that Harrison had a major political influence on, *inter alia*, a young A. Philip Randolph who would go on to play a historic role in the American civil rights movement, founding the Negro American Labor Council in 1959. *See id.* at 2; Ruben J. Garcia, *New Voices at Work: Race and Gender Identity Caucuses in the U.S. Labor Movement*, 54 *Hastings L.J.* 79, 93 (2002).

⁸⁰ W. E. B. Du Bois, *The Talented Tenth*, in *THE NEGRO PROBLEM: A SERIES OF ARTICLES BY REPRESENTATIVE AMERICAN NEGROES OF TODAY* 33-35 (Booker T. Washington et al. eds., 1903).

⁸¹ Hubert H. Harrison, *The Descent of Dr. Du Bois*, in *A HUBERT HARRISON READER*, *supra* note 2, at 170-72. For a masterful biography of Du Bois, see DAVID L. LEWIS, *W.E.B. DU BOIS: A BIOGRAPHY* (2009).

⁸² A HUBERT HARRISON READER, *supra* note 2, at 172. Du Bois was ultimately not granted a captaincy, at least in part because of the negative coverage from Harrison.

For these reasons Du Bois is regarded much in the same way as a knight in the middle ages who had his armor stripped from him, his arms reversed and his spurs hacked off. This ruins him as an influential person among Negroes at this time, alike whether he becomes a captain or remains an editor.⁸³

It is also useful to consider Harrison's specific engagement with law. Harrison engaged with law where it was useful, anticipating a generation of Critical Race Theory scholars who would critically engage and subvert racist laws to promote liberation for African Americans.⁸⁴ For example, Harrison actually employed legal reasoning to argue that the precedent of the recently-enacted federal prohibition of alcoholic beverages, which was particularly popular in the South, was a valid grounds for passage of federal anti-lynching legislation that also trumped states' rights.⁸⁵ At the same time, Harrison promoted a reliance on self-empowerment when the law proved unresponsive. Whether in the Socialist Party or as an independent race conscious radical, Harrison⁸⁶ always sought to look at organizing the rank and file first and to seek social change from below. He was unflinchingly critical of African American elites, who he felt were betraying the interests of the Black working class or ignoring wellsprings of revolt that instead could be nurtured. For instance, in praising the Jamaican-born J.A. Rogers' book, *From Superman to Man*, which was a pioneering analysis of racism, Harrison was scathing in his attack on leading African American authorities, including Du Bois, Monroe Trotter, and many others, who had

⁸³ *Id.*

⁸⁴ See generally CRITICAL RACE THEORY, *supra* note 1.

⁸⁵ PERRY, *supra* note 3, at 290–91. Of course, proponents of Prohibition eventually secured the enactment of the Eighteenth Amendment which prohibited intoxicating liquors. The legislation, introduced by Representative Leonidas C. Dyer, eventually was blocked in the Senate. See Barbara Holden-Smith, *Lynching, Federalism and the Intersection of Race and Gender in the Progressive Era*, 8 YALE J.L. & FEMINISM 31, 54–55 (outlining history of Dyer Bill).

⁸⁶ In this way, Harrison was also akin to C.L.R. James and James' highly creative followers in the 1940's in the Johnson-Forest Tendency. See MARXISM FOR OUR TIMES: C.L.R. JAMES ON REVOLUTIONARY ORGANIZATION (Martin Glaberman ed., 1999) for a collection of writings providing an overview of James' thought. Johnson was James' pseudonym and Forest was the pseudonym of his colleague, Raya Dunayevskaya, who went on to make major contributions of her own on Marxist thought. See RAYA DUNAYEVSKAYA, MARXISM AND FREEDOM: FROM 1776 UNTIL TODAY (1958).

received copies but completely ignored the text.⁸⁷ Harrison observed that even the NAACP and several Black newspapers that were sent copies ignored Rogers' text and most did not even acknowledge receipt.⁸⁸ In making this argument, Harrison identifies the gulf that separates elites, which he describes as "Big Negroes," from the rank and file masses, to whom he clearly devoted most of his energies.⁸⁹ This important lesson regarding the efficacy of grassroots mobilization remains vital for the reinvigoration of the social movements today. In this way, Harrison's focus on the rank and file masses anticipates debates within CRT about the limitations of using law as a strategy for social transformation after a small elite, in the post-Civil Rights era, had been incorporated into the power structure while conditions have continued to deteriorate for the majority of African Americans.⁹⁰

Harrison's commitment to internationalism is one that modern Black nationalist movements need to seriously contemplate. This emphasis is another dividing line in modern CRT.⁹¹ This Essay already has discussed Harrison's sharp awareness of political developments in India and Ireland. There were, however, many other examples. In the early 1920's, Harrison contributed a column to *The Negro World* entitled "West Indian News Notes," which was so polemical that British military intelligence, the colonial power in much of the West Indies, contacted their American counterparts about Harrison's activities.⁹² His internationalist commitments especially shine through in one piece documenting American brutality in its lengthy occupation of Haiti. In that piece, Harrison described Haitians as being "shot, sabred and bombed"⁹³ and urged African Americans to demand that Congress investigate "this American Ireland."⁹⁴ While modern proponents of CRT debate the extent to which to incorporate a praxis of internationalism into

⁸⁷ Hubert H. Harrison, *White People versus Negroes: Being the Story of a Great Book*, in A HUBERT HARRISON READER, *supra* note 2, at 301, 302.

⁸⁸ *Id.* at 303.

⁸⁹ *Id.* at 303–04.

⁹⁰ See, e.g., Derrick Bell, *Remembrances of Racism Past: Getting Beyond the Civil Rights Decline*, in RACE IN AMERICA: THE STRUGGLE FOR EQUALITY 73, 75 (Herbert Hill & James E. Jones Jr., eds. 1993) (noting continued segregation in education and housing).

⁹¹ See, e.g., Symposium Cluster, *Globalization or Global Subordination?: How LatCrit Links the Local to Global and the Global to the Local*, 33 U.C. DAVIS L. REV. 1429, 1438 (2000) (documenting links between CRT scholars and international movements).

⁹² A HUBERT HARRISON READER, *supra* note 2, at 234.

⁹³ Hubert H. Harrison, *Help Wanted for Hayti*, in *id.*, at 234, 235.

⁹⁴ *Id.*

CRT, Harrison was often at his polemical best in denouncing atrocities abroad, as he did when linking together these two important struggles of the day, in Ireland and Haiti.

Finally, perhaps one of his boldest moves was his willingness to address discrimination against darker skinned African Americans within the African American community. In this way, Harrison willingly took up another issue that modern CRTs seldom or reluctantly address. He openly asserted that African American society had a systematic bias against darker skinned people.⁹⁵ He was highly critical of churches in particular for perpetuating a hierarchy between lighter-skinned “mulattoes” and darker-skinned African Americans, and he went so far as to say “there is more color prejudice among Negroes against Negroes than exists among white people against Negroes.”⁹⁶ Writing in Garvey’s *Negro World* in 1920, Harrison pulled no punches in attacking the hypocrisy of what he regarded as a lighter skinned aristocracy that demanded the end of Jim Crow rules from whites and yet imposed discrimination on darker skinned Blacks.⁹⁷ In his characteristically blunt style, Harrison commented:

We have read the fervid jeremiads of “colored” men who, when addressing the whites on behalf of some privilege which they wished to share with them, would be, in words, as black as the ace of spades, but, when it came to mixing with “their kind,” they were professional lily-whites, and we have often had to point out to them that there is no color prejudice in America—except among “colored” people. Those who may be inclined to be angry at the broaching of this subject are respectfully requested to ponder that pungent fact.⁹⁸

He noted that dark-skinned Blacks, such as Toussaint L’Ouverture, the leader of the Haitian revolution, aroused a degree of pride amongst Black people that was qualitatively deeper than the pride felt for those of mixed race.⁹⁹ Harrison was particularly critical of

⁹⁵ PERRY, *supra* note 3, at 276.

⁹⁶ *Id.* at 275 (citing John Edward Bruce, *Bruce Grit’s Column*, GAZETTE, Jan. 20, 1917).

⁹⁷ Hubert H. Harrison, *A Tender Point*, in A HUBERT HARRISON READER, *supra* note 2, at 178–80.

⁹⁸ *Id.* at 179.

⁹⁹ *Id.* at 180. The example of Toussaint L’Ouverture is striking and suggests Harrison’s Caribbean roots when one considers how his story would be so elegantly conveyed in C.L.R. James’ most famous work some eighteen

cosmetics products used to straighten hair and lighten complexion, expressing the view that their use had more to do with internal politics in the African American community than any racist preference by white employers for lighter skinned African Americans.¹⁰⁰ Ironically enough, *The Negro World* itself was carrying the very same advertisements by 1923, within a year of Harrison's departure.¹⁰¹ In this analysis, Harrison arguably anticipates by decades CRT scholarship on race as performance and passing.¹⁰²

III. CONCLUSION

In this brief space, I have only been able to give the shortest glimpse into the lost world of Hubert Harrison and an overview of the highlights of his life and his many works. Harrison anticipates a Black nationalist approach that takes the perspective of the most marginalized African Americans as its starting point and its political foundation. He was fearless in his willingness to challenge authority regardless of the personal costs, undoubtedly part of the reason he has been so neglected in African American history. Second, he made efforts to use law where it seemed useful and a more radical approach where it did not. Third, he was consistently internationalist in his thinking and approach to Black politics, a quality that ought to be replicated today. Finally, he addressed discrimination based on color within the African American community, a topic regarded by many in his time as too controversial to address. Collectively, his corpus is rich with lessons

years later. See C.L.R. JAMES, *THE BLACK JACOBINS: TOUSSAINT L'OUVERTURE AND THE SAN DOMINGO REVOLUTION* (1938). A film about Toussaint L'Ouverture's life, *Toussaint*, directed by Danny Glover, is scheduled for release in 2013. See *Toussaint*, IMDB.COM, <http://www.imdb.com/title/tt0785063/>.

¹⁰⁰ A HUBERT HARRISON READER, *supra* note 2, at 254–55.

¹⁰¹ JAMES, *supra* note 4, at 149–50.

¹⁰² See, e.g., Devon Carbado & Mitu Gulati, *The Law and Economics of Critical Race Theory: Crossroads, Directions, and a New Critical Theory*, 112 YALE L.J. 1757 (2003) (applying CRT concepts such as racial performativity to law and economics); Camille Gear Rich, *Performing Racial and Ethnic Identity: Discrimination by Proxy and the Future of Title VII*, 79 N.Y.U. L. REV. 1134 (2004) (arguing Title VII jurisprudence ought to protect performative aspects of race); Robert Westley, *First-Time Encounters: "Passing" Revisited and Demystification as a Critical Practice*, 18 YALE L. & POLY REV. 297 (2000) (analyzing passing in context of racial determination trials). There is also a fascinating discussion of the relationship between skin color and choice of cricket team in C.L.R. James' classic book on cricket. See C.L.R. JAMES, *BEYOND A BOUNDARY* (1963) (describing how he chose Maple, the team for lighter skinned Blacks rather than Shannon). This is a necessarily truncated sample of a vast literature.

for CRT scholars today and reading his work will richly repay the reader.

Like C.L.R. James, he was that rare breed: a worker-intellectual who devoted his life to the working class. Unlike James, Harrison managed to eventually acquire American citizenship in the final years of life only to die tragically young in his 40s. A fuller understanding can only be gleaned by reading the emerging scholarship on Harrison. Two major facets that this Essay has largely ignored are his longstanding commitment to atheism and his interventions in such philosophical debates and his extensive commitment to cultural analysis through the form of theater and literary reviews in his later years. Harrison's response to the Bolshevik Revolution and the rise of the Communist Party also requires further consideration. The indispensable starting point to understanding Harrison is Jeffrey Perry's multi-volume biography; we anxiously await publication of the second volume, which details the final decade of Harrison's life. As with C.L.R. James, let us hope that there will be in coming years a flourishing of literature excavating the lost Harrisonite Left of the 1910's and the 1920's.